

REMARKS

I. Summary

The Office Action of January 5, 2010 has been received and reviewed. It is noted that the Office Action was in the nature of a “final rejection.” By way of response, a Request for Continuing Examination under C.F.R. §1.114 has been filed. Claims 1 and 2 have been amended. Previously pending claim 3 has been cancelled. Each of claims 4-11 has been maintained in the form previously presented with the response of September 1, 2009. However, because each is ultimately dependent from claim 1, an overall amendment to each has been made.

For the reasons stated below, it is believed that each of the pending claims is in condition for allowance, and a notice of this effect is requested.

II. Request for Extension of Time

It is noted that a one-month extension of time is necessary, to provide for timeliness of a response to the final rejection and to provide for timeliness of the request for continuing examination. A request for such an extension is made.

III. Filing of RCE Request under §1.114

The Examiner’s attention is directed to documentation filed simultaneously herewith, in the nature of a Request for Continuing Examination under §1.114. The present documentation is an amendment to the claims, along with a response to the final Office Action mailed January 5, 2010.

IV. Amendments to the Claims

It is noted that claim 1, the only presently pending independent claim, has been further amended from the amendments submitted September 1, 2009. In particular, claim 1 has been amended to refer specifically to a flow aperture arrangement in an end wall and an outer sidewall

of the treatment agent storage and release cartridge. Further, there is a specific requirement that the total diffusion area of the flow aperture arrangement in the outer sidewall is greater than the total diffusion area of the flow aperture arrangement in the end wall. This can lead to advantageous operation with respect to diffusion of a treatment agent, as discussed for example in the specification.

It is also noted that claim 2 has been amended to refer to not only the presence of the radial seal, but also the position of the radial seal relative to the flow aperture arrangement.

Consistent with the above amendments, claim 3 has been cancelled. Claim 4 has been amended to depend from 2. Remaining claims 5-11 have not been amended beyond the amendments presented in the September 1, 2009 amendment. However, each is dependent from claim 1, directly or indirectly, and, thus, each is internally amended.

V. Applicants' Invention

Applicant's invention is directed to a service cartridge which can be positioned inside of the housing of a filter assembly, for use. The filter cartridge is configured to include both filter media and a treatment agent storage and release cartridge. The two are configured together in the service cartridge. In use, the service cartridge is then positioned in a housing. Thus, when it is in the form to be installed, the cartridge includes no impermeable wall which surrounds the filter media in complete extension between ends of the media. Rather, such a wall surrounding the filter media (in use) results only after the cartridge is installed in a housing.

Claim 1 has been amended to refer to a preferred diffusion pattern, which leads to advantageous diffusion of treatment agent from the treatment agent storage and release cartridge, in operation. In particular, the diffusion pattern allows for an initial static diffusion and a later more dynamic diffusion. These concepts are discussed in the application, in connection with the diffusion pattern.

It is noted that claim 2 has been amended to include features analogous to those from claim 3, except modified for amendment terminology. Claim 3 has thus been cancelled.

VII. The Office Action

In the Office Action mailed January 5, 2010, the Examiner raised rejections under §103 based on Rohrbach 2002/0195384 in view of U.S. 4,075,098 to Paul et al.

The Examiner acknowledges that the Rohrbach reference does not disclose a system comprising a unit that is positioned inside of a housing for use. With respect to this, however, the Examiner cites Paul.

A secondary reference cited by the Examiner is U.S. 6,322,697 to Hacker et al. The Examiner cites this reference with respect to the use of an adhesive to secure end caps on media.

Another secondary reference cited by the Examiner is Neufeld et al. U.S. 6,488,845. The Examiner cites this reference with respect to a mounting prong arrangement.

While Applicants do not wish to indicate agreement with the Examiner's position concerning the previous pending claims, it is noted that the claims have been amended and thus the specific rejections are rendered moot. No prior art reference cited shows the diffusion aperture arrangement of the current claims. None shows the overall assembly, either.

Applicants reserve the right to pursue cancelled subject matter by appropriate means in the future, such as by a continuing application.

VIII. Double Patenting Rejection

In the Office Action of April 2, 2009, the Examiner raised double patenting rejections on the basis of various ones of U.S. 7,160,451 and 7,238,285, sometimes in view of Rohrbach 2002/0195384. Applicants do not necessarily agree with the Examiner's position, but a Terminal Disclaimer was submitted on September 1, 2009. In the Office Action of January 5, 2010, the Terminal Disclaimer was acknowledged and no double patenting issue was raised.

It was not understood whether the Examiner would raise a similar double patenting rejection with respect to current claims, but it is assumed the previously filed Terminal Disclaimer would serve to obviate any issue. A record position by the Examiner is requested.

IX. Summary

To summarize, it is believed that all of pending claims 1, 2, and 4-11 are in condition for allowance, and a notice to this affect is requested. The Examiner is invited to telephone the undersigned at the below-listed telephone number, if there are any questions or concerns.

Respectfully submitted,

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Signed: /Randall A. Hillson/
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